

MICHELE BECKWITH
Acting United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

YAAKOV M. ROTH
Acting Assistant Attorney General
Civil Division
SARAH S. WILSON
Assistant Director
NANCY N. SAFAVI
Senior Trial Attorney
TX Bar No. 24042342
U.S. Department of Justice
Office of Immigration Litigation
General Litigation and Appeals Section
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 514-9875

Attorneys for Respondent
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Y.G.H.,
Petitioner-Plaintiff,
v.

DONALD J. TRUMP, et al.,
Respondents-Defendants

CASE NO. 1:25-CV-435-KES-SKO

REQUEST TO SEAL GOVERNMENT'S
DECLARATION

Pursuant to Local Rule 141(b), the United States, by and through Senior Trial Attorney, Nancy N. Safavi, respectfully requests an Order sealing the government's declaration in response to the Court's May 7, 2025, minute order.

The government seeks to file the declaration under seal because the information provided by the declarant is law enforcement sensitive. As set forth in the declaration, Petitioner is a suspected member of the Tren de Aragua gang, which has been designated as a Foreign Terrorist Organization (FTO). The Department of Homeland Security represents that the release of the declaration could compromise law

1 enforcement activities as it discloses information related to an operation involving an FTO. Disclosure
2 of information in the declaration may reveal law enforcement techniques and information about an
3 ongoing, sensitive operation.

4 The Court may order documents to be filed under seal. While the “press and the public have a
5 presumed right of access to court proceedings and documents” under the First Amendment, this
6 presumed right is not absolute. See Press-Enterprise Co. v. Superior Court, 464 U.S. 501, 510 (1985). It
7 can be overcome “based on findings that closure is essential to preserve higher values and is narrowly
8 tailored to serve that interest.” Id. From the Court’s perspective, the controlling “interest is to be
9 articulated along with findings specific enough that a reviewing court can determine whether the closure
10 order was properly entered.” Id.

11 Here, the government seeks to file its declaration under seal because of the sensitive nature of the
12 information contained within the document pertaining to a Foreign Terrorist Organization, which
13 contains law enforcement sensitive information related to an ongoing operation. The docket is already
14 subject to some protection, and so the motion would only foreclose individuals who appear at a
15 courthouse terminal from accessing the document.

16
17 Dated: May 16, 2025

18 By: /s/ Nancy Safavi
19 Nancy N. Safavi
20
21
22
23
24
25
26
27
28